

## BY AUTHORITY

## BILL No. 39

AN ORDINANCE TO AMEND ORDINANCE NO. 26 OF THE CITY AND COUNTY OF HONOLULU, ENTITLED "AN ORDINANCE RELATING TO THE ERECTION, CONSTRUCTION, ALTERATION, REPAIR AND REMOVAL OF BUILDINGS AND OTHER STRUCTURES IN THE CITY AND COUNTY OF HONOLULU."

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF HONOLULU:

Section 1. Section 1 of Ordinance No. 26 of the City and County of Honolulu is hereby amended so as to read as follows:

"PERMITS TO BUILD OR EXCAVATE FOR BUILDING PURPOSES.

"Section 1. (a) No person or persons or corporation shall erect, repair, change, alter, remove or erect any building or structure, or excavate any cellar or lot for building purposes within the City and County of Honolulu, unless he or she shall first obtain a permit for the work from the Building Inspector of the City and County of Honolulu. The application for such permit shall be made on a prescribed form, and shall state the site to be occupied by the proposed building or structure or work to be done, the materials to be used in the construction of the same, the dimensions and estimated cost of the same, the probable time required for its erection, the use for which the same is intended and is to be put when completed, and the names of the owner, the architect, and the builder; provided, that the provisions of this Section shall not apply to painting, papering, the restoration of plastering, or to repair work not exceeding in cost the sum of One Hundred Dollars (\$100.00) and not affecting the construction of outside or party walls, chimneys or stairways or the height of building, and provided further, that if any frame building or structure or corrugated iron building heretofore constructed within the fire limits shall be repaired, the owner of such building or structure shall, before the commencement of such repairs, file with the Building Inspector a statement showing the estimated cost of such repairs, and the cost of all repairs theretofore made upon such building or structure.

"(b) Fees for permits and inspection by the Building Inspector shall be as follows:

"Work to cost more than \$100.00 and not more than \$500.00, the sum of \$2.00.

"Work to cost more than \$500.00 and not more than \$1500.00, the sum of \$3.00.

"Work to cost more than \$1500.00 and not more than \$2500.00, the sum of \$4.00.

"Work to cost more than \$2500.00 and not more than \$3500.00, the sum of \$5.00.

"Work to cost more than \$3500.00 and not more than \$5000.00, the sum of \$6.50.

"Work to cost more than \$5000.00 and not more than \$100,000.00, \$6.50 for the first \$5000.00, and 19 cents for each \$100.00 or fraction thereof in excess of the sum of \$5000.00.

"Work to cost more than \$100,000.00, \$105.00 for the first \$100,000.00, and 5 cents for each \$100.00 or fraction thereof in excess of \$100,000.00.

"Where separate structures are included in one application, a permit shall be issued for each structure."

Section 2. Section 11 of Ordinance No. 26 of the City and County of Honolulu is hereby amended so as to read as follows:

"POWER OF BUILDING INSPECTOR TO ORDER REPAIRS.

"Section 11. Whenever any building or any portion thereof, or any structure, chimney, smokestack, stove, oven, furnace or other appurtenance connected with any building or upon any premises or place, is dangerous, defective or unsafe, the Building Inspector shall notify the owner thereof, and shall order and cause the same to be torn down, altered, repaired or rebuilt, or such work to be done thereon as may be necessary to render the same safe, and such owner shall forthwith comply with such order. In the event that such owner does not comply with such order of the Building Inspector, the Building Inspector may proceed to tear down any such dangerous or unsafe structure at the expense of the owner thereof."

Section 2A. Section 18 of Ordinance No. 26 of the City and County of Honolulu is hereby amended so as to read as follows:

"CALCULATION OF STRESSES.

"Section 18. The allowable working stresses in materials, the strength of parts, and combinations of materials used, shall be determined in accordance with the rules and in the manner prescribed by standard modern authorities on the strength of materials, applied mechanics and the best engineering practice.

"Computations and strain sheets shall be submitted to the Building Inspector when required."

Section 3. Section 92 of Ordinance No. 26 of the City and County of Honolulu is hereby amended so as to read as follows:

"INTERIOR PARTITIONS—LIGHT COURTS.

"Section 92. Interior partitions in any building of Class One shall be constructed of tile, brick or concrete, or shall be of bars of metal, lathed with metal lath and both sides plastered, or shall be of wire glass not less than one-fourth inch thick set in metal frames and sash. Interior partitions in buildings of Class Two may be constructed of wooden studs with lath and plaster on each side."

Section 3A. Section 98 of Ordinance No. 26 of the City and County of Honolulu is hereby amended so as to read as follows:

"FIRE ESCAPES.

"Section 98. Every building of three stories or more in height shall be provided and equipped with a sufficient number of galvanized metallic fire escapes, combined with suitable galvanized metallic balconies, platforms and railings, strongly made and firmly secured to the outer walls, and erected and arranged in such a way and in such proximity to one or more windows of each story, or to as many windows of each story above the first as may be necessary to make and render said fire escapes readily accessible, safe and adequate for the escape of the inmates in case of fire, and when placed on the rear or sides of building not adjoining a street they shall extend down to within eight (8) feet of the ground.

"Fire escapes in front of building shall extend from the level of the ceiling of the first story to and over the roof, and shall be either vertical galvanized metallic ladder fire escapes, galvanized metallic stair fire escapes, or other sufficient fire escapes constructed of fireproof materials.

"All fire escapes shall be kept in good order and repair, and free from all obstructions."

Section 3B. Section 101 of Ordinance No. 26 of the City and County of Honolulu is hereby amended so as to read as follows:

"USE OF SIDEWALKS AND STREETS.

"Section 101. It shall be unlawful for any person, firm or corporation to commence the erection of any building abutting upon sidewalk, or to continue the erection thereof, unless there shall exist along the center line of such sidewalk, for the protection of pedestrians, a good and substantial board fence at least eight feet high, enclosing the inner half of the width of such sidewalk.

"It shall be unlawful for any person, firm or corporation to make any excavation in that part of any sidewalk lying between the curb line and the center line thereof unless there shall exist over such excavation a good and substantial temporary walk, so constructed and maintained as to afford at all times safe, free and unobstructed passage for pedestrians over and along all that part of such sidewalk above mentioned. Such temporary walk shall be constructed and maintained on a level with the surface of the street or at an elevation of not more than four feet above the same, having steps at each end and a railing not less than three feet high along the side next to the street.

"No person or persons shall occupy or obstruct any portion of any street, alley or sidewalk in any other manner or to any greater extent than is allowed by this Ordinance, without first obtaining a permit therefor. Such permit may be issued by the Board of Supervisors of the City and County of Honolulu on application therefor in writing, and shall be accompanied by the building permit for the building proposed to be erected. Such obstruction shall be permissible only during period of construction.

"It shall be unlawful for any person, firm or corporation to fail or neglect to have at least one-half of width of the sidewalk and not less than one-half the width of an alley unobstructed and free from rubbish at all times, except that a passageway across such space may be used for carriage of materials.

"It shall be unlawful for any person, firm or corporation to store for more than one day any earth taken from any excavation, or rubbish or material taken from any building, upon the sidewalk or the roadway of any street or alley; such materials shall be removed from day to day as produced. Any dry rubbish liable to produce dust shall be kept wetted down in order to prevent dust.

"No door on the ground floor of any building shall be so constructed or arranged as to swing or open upon or over any public street, highway, sidewalk or public place."

Section 4. Section 104 of Ordinance No. 26 of the City and County of Honolulu is hereby amended so as to read as follows:

"CLASSES OF BUILDINGS IN THE FIRE LIMITS.

"Section 104. No building shall be erected within the fire limits unless said building shall conform in all respects to the requirements of this Ordinance for a building of either Class One or Class Two. Any building, any part of which shall be within the fire limits, shall be deemed for the purposes of this Ordinance as wholly within such limits."

Section 5. Section 107 of Ordinance No. 26 of the City and County of Honolulu is hereby amended so as to read as follows:

"THEATERS.

"Section 107. All theaters hereafter built within the City and County of Honolulu shall be of Class One or Class Two construction. The City and County Treasurer shall not issue a license for any performance in such building until a certificate in writing has been issued, signed by the Building Inspector and the Chief Engineer of the Fire Department, that the requirements of this Ordinance have been complied with.

"Theaters shall have at least one frontage on the street; in such front there shall be suitable means of entrance and exit. There shall also be on each side of the exterior of the building an open court or space, each of which shall be not less than eight feet wide and shall extend back the full length of the building from the front street. These courts or spaces shall be kept clear during performances.

"Exits. Opening from the auditorium into these courts or spaces there shall be not less than two exits from each side of each floor and gallery; these openings shall be closed by doors easily opened from the inside by pressure during all performances. They shall be of ample width and shall swing outward in such a way as not to block the balcony upon which they open. All such exits must open from the aisles.

"The exterior balconies upon which these exits open, and the stairways leading to the ground must be not less than four feet wide and shall be constructed of iron or steel of ample strength to safely sustain a load of eighty pounds per square foot, with a factor of safety of four.

"There shall be also one exit on each side of the stage into the courts or spaces.

"At each and every exit in any theater in the City and County of Honolulu there shall be placed and maintained a lamp in which only mineral, sperm, nut or other noninflammable oil, or electricity upon an independent circuit, shall be used, and said lamp or lamps shall be lighted previous to the opening of the doors of such theater for any performance therein and shall be kept lighted until the audience shall have departed from the premises, and there shall be inscribed upon said lamp or lamps the word "EXIT" in distinctly visible letters not less than six inches high.

"Stairways shall have handrails on each side firmly secured to strong supports or to the walls. There shall be no flight of more than twenty steps, there shall be no winders, and no step shall be less than four feet wide in the clear. Such steps shall have a rise not greater than six inches and a tread not less than ten inches.

"There shall be a fire wall of brick or reinforced concrete above the proscenium arch, between the stage and the auditorium, which wall shall extend at least three feet above the roof. The proscenium shall be the only opening in said wall above the level of the stage, and all openings through this wall below the stage level shall be provided with self-closing fire doors, constructed as per Sec. 97. The wall above the proscenium arch shall be supported by reinforced concrete girders or by steel girders covered with fireproof material.

"The proscenium opening shall be provided with a curtain of asbestos or fireproof material, sliding at each end in grooves securely fastened to the masonry wall, and extending into such grooves to a depth of not less than four inches. The fireproof curtain may, however, be furnished with steel cable guides not less than one-quarter inch in diameter; provided, that such curtain laps over the stage opening at the sides and top for a distance of not less than eight inches, and that attached to said curtain at the top and bottom, to the full width thereof, shall be wrought iron or steel pipe of not less than 1 1/4 inches diameter. The fireproof curtain shall be kept lowered between acts, during intermissions and at the close of each performance, except during rehearsals. The curtain shall be hung not nearer to the footlights than three feet.

"All seats except those in the boxes shall be firmly fastened to the floor, and no seat in the auditorium shall have more than six seats intervening between it and the aisles. Seats shall not be less than thirty-one inches from back to back, nor less than twenty inches in width.

"Center aisles and passageways shall be at least forty-eight inches wide at the narrowest point, side aisles at least thirty-six inches, and all shall increase in width toward the point of exit at least one-quarter inch for each foot of length. The grade of aisles shall not be greater than one and one-quarter inches per foot.

"A ventilator shaft of sufficient capacity, lined with fireproof material, shall be placed over the center of the stage and shall extend at least three feet above the roof. The roof over the stage shall be provided with skylights in area equal to one-fourth of the stage area, and said skylights shall be made to open automatically in case of fire.

"Theater floors shall be of sufficient strength to support an imposed live load of one hundred pounds per square foot.

"Every theater shall be equipped with at least two lines of standard three-inch cast iron or galvanized water pipe, leading directly from the street main, and provided with the standard coupling of the Fire Department, with not less than twenty-five feet of hose attached. Such water pipe and hose shall be ready for immediate use at any time during the performance in said building.

"Electric wires, footlights and all apparatus for extinguishing fires or guarding against the same shall be in charge of and under the control of the Fire Department, and the Chief of said Department shall be responsible for the execution and enforcement of this regulation.

"Gradients or inclined planes shall be employed instead of steps to overcome slight difference of level in or between aisles, corridors and passages.

"Walls separating the actors' dressing rooms from the stage and partitions dividing the dressing rooms, together with partitions of every passageway from the same to the stage, and all partitions on or about the stage, shall be constructed of fireproof material. All shelving and cupboards in each and every dressing room, property room or storage room shall be constructed of fireproof material. Dressing rooms may be placed in the fly galleries, provided that proper exits are secured therefrom to fire escapes in the open courts and that the stairs leading to the same shall be fireproof. Dressing rooms shall have an independent exit, leading directly into an open court or street, and shall be ventilated by windows in the external wall; and no dressing room shall be more than one story below street level. All windows shall be arranged to open, and none of the windows in outside walls shall have fixed sashes, iron grills or bars.

"If any arrangement or construction or appliance of any theater is unsafe to life, full authority is hereby invested in the Building Inspector and the Chief Engineer of the Fire Department, or either of them, to order and enforce such changes or additions as may be necessary."

Section 6. This Ordinance shall take effect ten days from and after its approval.

Date of Introduction: The 7th day of November, 1911. Introduced by: FRANK K. KRUGER, Supervisor.

At a regular adjourned meeting of the Board of Supervisors of the City and County of Honolulu, held on Tuesday, January 9, 1912, the foregoing Bill was passed on First Reading and ordered to print on the following vote of the said Board:

Ayes: Amann, Arnold, Dwight, Kruger, Low, McClellan, Murray. Total 7. Noes: None.

Jan 15 16 17 D. KALAUOKALANI JR., City and County Clerk.

## LEGAL NOTICES.

IN THE UNITED STATES DISTRICT COURT FOR THE TERRITORY OF HAWAII.

THE UNITED STATES OF AMERICA, Plaintiff, vs. PEPEKEO SUGAR COMPANY, et al., Defendants.—Action brought in said District Court, and the Petition filed in the office of the Clerk of said District Court, in Honolulu.

THE PRESIDENT OF THE UNITED STATES, GREETING: PEPEKEO SUGAR COMPANY, a corporation existing under and by virtue of the laws of the Territory of Hawaii; LEE HONG; JOHN LEE HONG, JAMES LEE HONG, MARY LEE HONG and SARAH LEE HONG, unknown heirs at law of LEE HONG, deceased; ANNIE AKONG; WILLIAM AKONG, HENRY AKONG; LUCY AKONG and JANE AKONG, unknown heirs at law of MARY AKONG, deceased; JULIA H. AFONG, EMMELINE M. MAGOON; MAHIE K. HUMPHREYS; JULIA JOHNSTONE; CAROLINE B. RIGGS; MARY CATHERINE AFONG; ALICE LILIAN HUTCHINSON; HELEN G. HENSHALL; MARTHA M. DOUGHERTY; HENRIETTA P. WHITING; ELIZABETH BURNS; NANCY L. MCSTOCKER; BEATRICE MELANIE BREWSTER; ANTHONY C. AFONG; ALBERT F. AFONG; ABRAHAM H. AFONG; AL SHEU AFONG; CHARLES AFONG; THOMAS AFONG; CLARA AFONG and ROSE AFONG, unknown heirs at law of AL LING AFONG, deceased; and JAMES BROWN, JOHN BLACK, HENRY WHITE, GEORGE SMITH, MARY JONES, MARGARET MILLS, HELEN HILO and MARTHA KONA, unknown owners and claimants.

You are hereby directed to appear and answer the Petition in an action entitled as above, brought against you in the United States District Court, for the Territory of Hawaii, within twenty days from and after service upon you of a certified copy of Plaintiff's Petition herein, together with a certified copy of this Summons.

And you are hereby notified that unless you appear and answer as above required, the said Plaintiff will take judgment of condemnation of the lands described in the Petition herein and for any other relief demanded in the Petition.

WITNESS THE HONORABLE SANFORD B. DOLE and THE HONORABLE CHARLES F. CLEMONS, Judges of said District Court, this 25th day of October, in the year of our Lord one thousand nine hundred and eleven and of the independence of the United States the one hundred and thirty-sixth.

(Signed) A. E. MURPHY, Clerk.

(Endorsed) "No. 79. UNITED STATES DISTRICT COURT, for the Territory of Hawaii. THE UNITED STATES OF AMERICA vs. PEPEKEO SUGAR COMPANY et al. SUMMONS. ROBERT W. BRECKONS, United States Attorney."

THE UNITED STATES OF AMERICA, Territory of Hawaii, City of Honolulu.—ss.

I, A. E. MURPHY, Clerk of the United States District Court for the Territory and District of Hawaii, do hereby certify the foregoing to be a full, true and correct copy of the original Summons in the case of THE UNITED STATES OF AMERICA vs. PEPEKEO SUGAR COMPANY et al., as the same remains of record and on file in the office of the Clerk of said District Court.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said District Court this 16th day of November, A. D. 1911.

A. E. MURPHY, Clerk of said District Court, Territory of Hawaii.

By F. L. DAVIS, Deputy Clerk.

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## LEGAL NOTICES.

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT, TERRITORY OF HAWAII.

HOLDING TERMS IN THE CITY AND COUNTY OF HONOLULU.

THE TERRITORY OF HAWAII, by Marston Campbell, Superintendent of Public Works, Plaintiff and Petitioner, vs. ISABELLA H. WOODS; PALMER PARKER WOODS and MOLLY WOODS, his wife; MARY ALICE BLUETT and P. W. P. BLUETT, her husband; JAMES FRANK WOODS and EVA WOODS, his wife; SAMUEL PARKER WOODS and ROSE WOODS, his wife; MABEL ROBERTSON BECKLEY and HENRY BECKLEY, her husband; MAUD WOODS; LUCY WOODS; R. W. SHINGLE, ERNEST WOODHOUSE and ALLEN W. T. BOTTOMLEY, Trustees under the Will of James Wright, deceased; KOHALA RANCH COMPANY, LIMITED, an Hawaiian Corporation having its principal office at Pauhu, District of Kohala, Island and Territory of Hawaii; JOHN DOE, MARY DOE and RICHARD DOE, unknown owners and claimants, Defendants and Respondents.

THE TERRITORY OF HAWAII: TO THE HIGH SHERIFF of the Territory of Hawaii, or his Deputy:

YOU ARE COMMANDED to summon ISABELLA H. WOODS; PALMER PARKER WOODS and MOLLY WOODS, his wife; MARY ALICE BLUETT and P. W. P. BLUETT, her husband; JAMES FRANK WOODS and EVA WOODS, his wife; SAMUEL PARKER WOODS and ROSE WOODS, his wife; MABEL ROBERTSON BECKLEY and HENRY BECKLEY, her husband; MAUD WOODS; LUCY WOODS; R. W. SHINGLE, ERNEST WOODHOUSE and ALLEN W. T. BOTTOMLEY, Trustees under the Will of James Wright, deceased; KOHALA RANCH COMPANY, LIMITED, an Hawaiian Corporation having its principal office at Pauhu, District of Kohala, Island and Territory of Hawaii; JOHN DOE, MARY DOE and RICHARD DOE, unknown owners and claimants, defendants, in case they shall file written answer within twenty days after service hereof to be and appear before the said Circuit Court at the term thereof pending immediately after the expiration of twenty days after service hereof; provided, however, if no term be pending at such time, then to be and appear before the said Circuit Court at the next succeeding term thereof, to wit, the January 1912 Term thereof, to be held at the City and County of Honolulu, on Monday, the eighth day of January next, at 10 o'clock a. m., to show cause why judgment of condemnation of the lands described in the petition herein and for such other relief demanded in the petition should not be awarded to the Territory of Hawaii, pursuant to the tenor of its annexed petition.

And have you then there this writ with full return of your proceedings thereon.

WITNESS THE Honorable Presiding Judge of the Circuit Court of the First Circuit, at Honolulu aforesaid, this 11th day of February, 1911.

(Sgd.) J. A. THOMPSON, Clerk.

(Sgd.) J. A. THOMPSON, Clerk.

Endorsed: L. 2276. Reg. 3. Pg. 239. Circuit Court, First Circuit, Territory of Hawaii. The Territory of Hawaii by Marston Campbell, Superintendent of Public Works, Plaintiff and Petitioner, vs. Isabella H. Woods et al., Defendants and Respondents. Petition. Filed and issued February 11, 1911, at 10:56 a. m. J. A. Thompson, Clerk. Returned at 1:30 o'clock p. m., April 13, 1911. Robert Parker, Jr., Asst. Clerk. Original.

Territory of Hawaii.) City and County of ss. Honolulu.)

I, Henry Smith, Clerk of the Circuit Court of the First Judicial Circuit, Territory of Hawaii, do hereby certify the foregoing to be a full, true and correct copy of the original summons in the case of Territory of Hawaii by Marston Campbell, Superintendent of Public Works, vs. Isabella H. Woods et al., as the same remains of record and on file in the office of the Clerk of said Court.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 21st day of April, 1911.

(Sgd.) HENRY SMITH, Clerk, Circuit Court of the First Judicial Circuit, Territory of Hawaii.

Alexander Lindsay, Jr., Attorney General, and Arthur G. Smith, Deputy Attorney General, for the Petitioner.

5126-3m

Philip L. Weaver,

ATTORNEY AT LAW

512 Stangenwald Building Honolulu

W. C. Achi

ATTORNEY AT LAW

Kapiolani Building Honolulu, T. H.

P. O. Box 608